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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,141	10/27/2003	Matt R. Hogstrom	RSW920030188US1	3273
45541 7590 07/09/2009 HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207				
EXAMINER SALL, EL HADJI MALICK				
ART UNIT 2457		PAPER NUMBER		
NOTIFICATION DATE 07/09/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary

Application No.

10/694,141

Applicant(s)

HOGSTROM ET AL.

Examiner

EL HADJJI M. SALL

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16, 18-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16, 18-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on March 18, 2009.

Claims 1, 10, 15, 20 and 22 are amended. Claims 2, 17 and 21 are cancelled. Claims 23-25 are added. Claims 1, 3-16, 18-20 and 22-25 are pending. Claims 1, 3-16, 18-20 and 22-25 represent method, system and program product for communicating over a network.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 6, 10, 13-16, 18, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Oliver et al. US 20080021969.

Oliver teaches the invention as claimed including signature generation using message summaries (see abstract).

As to claims 1, 10, 15 and 20, Oliver teaches a method, a system and a program product stored on a recordable medium for communicating over a network, the method comprising:

obtaining a set of rules for classifying messages on a client (paragraphs [0009] and [0030], Oliver discloses classifying spam messages using signatures based on message summaries (i.e. "a set of rules for classifying messages"). The process takes place on a mail client);

generating a message on the client to be sent to a server (paragraph [0031], Oliver discloses extracting information from the classified message and submit it to the server).

classifying the message on the client based on the set of rules (figure 2; paragraph [0030]), wherein the classification is based on at least one of:

at least one of: at least one attribute of a program sending the message, content of the message, an identity of the client from which the message is being sent, a message type, and an identity of a processing system processing the message (paragraph [0029]); and

after classifying the message at the client, sending the message to the server based on the message classification, wherein the message classification determines how the message is routed for processing at the server (paragraphs [0030]-[0033]).

As to claims 3, 14, 18 and 22, Oliver teaches the method, the system and the computer-readable storage unit storing a program product of claims 1, 10, 15 and 20,

further comprising periodically requesting an updated set of rules from the server (paragraph [0022]).

As to claim 4, Oliver teaches the method of claim 1, wherein the classifying step includes matching an attribute of the message with at least one of the set of rules (paragraph [0024]).

As to claims 6 and 13, Oliver teaches the method of claims 1 and 10, further comprising opening a connection with the server for the message (figure 1).

As to claim 16, Oliver teaches the system of claim 15, further comprising a plurality of processing systems, wherein each processing system processes messages having a unique message classification (figure 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 7-9, 11-12 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al. U.S. 7,200,636 in view of Ogimoto et al. U.S. 6,032,205.

Oliver teaches the invention substantially as claimed including signature generation using message summaries (see abstract).

As to claim 5, Oliver teaches the method of claim 1

Oliver fails to teach explicitly adjusting a port for the message.

However, Ogimoto teaches crossbar switch system for always transferring normal messages and selectively transferring broadcast messages from input buffer to output buffer when it has sufficient space respectively. Ogimoto teaches adjusting a port for the message (column 4, lines 26-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide adjusting a communication protocol port for the message based on the classification prior to the sending step. One would be motivated to do so to allow signal line fit the port.

As to claims 7 and 8, Oliver teaches the method of claims 1 and 7, respectively.

Oliver fails to teach explicitly a first port.

However, Ogimoto teaches a first port (column 11, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide receiving a response message from the server, wherein the classified message and the response message are communicated over a first communication protocol port, and wherein the

first communication protocol port is not a default communication protocol port. One would be motivated to do so to allow transmitting the message (abstract).

As to claim 9, Oliver teaches the method of claim 1.

Oliver fails to teach explicitly a plurality of ports.

However, Ogimoto teaches separately monitoring a plurality of ports (column 13, lines 43-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide separately monitoring a plurality of ports on the server for messages. One would be motivated to do so to allow maintaining the health of the network.

As to claims 11 and 19, Oliver teaches the method and the system of claims 10 and 15.

Oliver fails to teach explicitly a unique port.

However, Ogimoto teaches a unique port (column 11, lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide receiving a classified message from the client through a unique communication protocol port. One would be motivated to do so to allow determine whether the message is a normal message or a broadcast message (column 11, lines 23-24).

As to claim 12, Oliver teaches the method of claim 11, further comprising:
processing the classified message (paragraph [0030]);
sending a response message to the client (paragraph [0031]).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al. U.S. 7,200,636 in view of Kuchibhotla et al. U.S. 20050090251.

Oliver teaches the invention substantially as claimed including signature generation using message summaries (see abstract).

As to claim 23, although Oliver teaches substantially features of claimed invention as discussed above with respect to claim 1, Oliver fails to teach explicitly broadcasting an updated set of rules from the client.

However, Kuchibhotla teaches apparatus and method for shared network. Kuchibhotla teaches broadcasting an updated set of rules from the client (paragraph [0031]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Kuchibhotla to provide periodically broadcasting an updated set of rules from the client in order to provide establishing respective rule sets for user devices connected to each core network, therefore can be implemented in the mobile switching centers and the SBSN's (paragraph [0032]).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al. U.S. 7,200,636 in view of Kuchibhotla et al. U.S. 20040064585.

Oliver teaches the invention substantially as claimed including signature generation using message summaries (see abstract).

As to claim 24, although Oliver teaches substantially features of claimed invention as discussed above with respect to claim 15, Oliver fails to teach explicitly a date and time after which an updated set of rules should be obtained.

However, Doss teaches predicting and adjusting users' working hours and electronic calendar events. Kuchibhotla teaches a date and time after which an updated set of rules should be obtained (paragraph [0057]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Doss to provide the set of rules further comprises a date and time after which an updated set of rules should be obtained, and wherein the classification system can access the date and time to determine whether the set of rules can continue to be used for classifying messages in order to allow predicting and adjusting user's working hours based on updates to working hours or events (abstract).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al. U.S. 7,200,636 in view of Sribljic et al. U.S. 6,154,811.

Oliver teaches the invention substantially as claimed including signature generation using message summaries (see abstract).

As to claim 25, although Oliver teaches substantially features of claimed invention as discussed above with respect to claim 15, Oliver fails to teach explicitly preventing from accessing the set of rules while the set of rules is being updated.

However, Srblic teaches scalable network object caching. Srblic teaches preventing from accessing the set of rules while the set of rules is being updated (column 4, lines 2-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Srblic to provide the classification system is prevented from accessing the set of rules while the set of rules is being updated by the maintenance system in order to allow rendering the directory unavailable during the update (column 4, lines 4-5).

Response to Arguments

9. Applicant's arguments filed 03/18/09 have been fully considered but they are not persuasive.

(A) Applicants argue that with regard to independent claims 1, 10, 15, and 20, Applicants have amended each of these claims herein, and respectfully submit that Oliver fails to teach the claimed methods, system, and computer readable storage unit

storing a program product for communicating over a network, including each and every feature recited herein.

In regards to the point (A), Examiner respectfully disagrees.

In paragraph [0019], Oliver discloses a computer readable storage medium or a computer network wherein program instructions are sent over electronic communication links. Furthermore, Oliver discloses each and every feature recited herein (see [0009] and [0030-0033]).

(B) Applicant argues that oliver's classification is based on the "condensed, canonical form of a message" ([0029], lines 1-2), rather than "at least one of: at least one attribute of a program sending the message, content of the message, an identity of the client from which the message is being sent, a message type, and an identity of a processing system processing the message" (claim 1, lines 7-10).

In regards to point (B), examiner respectfully disagrees.

In paragraphs [0029], Oliver discloses that classification is based on the condensed canonical form of message (i.e. "message type") as stated by Applicant, which is equivalent to "a message type" which is included in "at least one of:...". Furthermore, Oliver discloses different messages that have the same or equivalent information.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2457

/Salad Abdullahi/

Primary Examiner, Art Unit 2457